

Mr. A. G. Meck, President  
Getty Pipe Company  
660 Madison Avenue  
New York, NY 10021

Dear Mr. Meck:

Thank you for your letter of May 14, 1974, asking whether the 12 inches of additional cover required for operation of a pipeline under 49 CFR 195.210 applies where a carrier permits construction of a private dwelling on its right-of-way within 50 feet of an existing pipeline.

Section 195.210(a) requires that a "Pipeline right-of-way must be selected to avoid, as far as practicable, areas containing private dwellings ...." Section 195.210(b) states: "No pipeline may be located within 50 feet of any private dwelling ... unless it is provided with at least 12 inches of cover in addition to that prescribed in ?195.248." As provided in ?195.200, these sections are applicable "... for constructing new pipeline systems with steel pipe, and for relocating, replacing, or otherwise changing existing pipeline systems that are constructed with steel pipe.

A pipeline carrier's action allowing a change in either a right-of-way or in the distance between its pipeline and adjacent structure is an action changing an existing pipeline system within the meaning of ?195.200. Therefore, an action by the pipeline operator that would permit the construction within 50 feet of an existing pipeline serves to effectively change the location of that pipeline relative to adjacent structures. The pipeline operator would, then, pursuant to ?195.210(b), have to provide 12 inches of pipeline cover in addition to that required by ?195.248(a) unless the exception provided in ?195.248(b) is applicable.

We trust this adequately responds to your inquiry.

Sincerely,

/signed/

Joseph C. Caldwell  
Director  
Office of Pipeline Safety

Mr. Joseph C. Caldwell  
Director, Office of Pipeline Safety  
400 7th Street, S.W.  
Washington, D. C. 20590

Dear Mr. Caldwell:

Getty Pipe Company is the owner-operator of two parallel 6" petroleum product pipelines within the States the New Jersey and Pennsylvania. The lines are installed with an average earth coverage of two and one-half feet within easements which in the majority are undefined as to location and width. Our company has been contacted by a home construction firm requesting permission to erect on their lands new single family dwellings, several of which will be located within 50 feet of the pipelines.

Based on the conditions outlined above, we request your office for an interpretation of 49 CFR 195.210 to determine if an affirmative action of allowing construction within 50 feet of the pipelines would obligate us to provide 18: additional pipeline cover as provided for in 210(b).

Your earliest consideration of this matter would be appreciated.

Very truly yours,

A. G. Meck